

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

GEORGE MCGHEE, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 4:06CV10LA

**SHERIFF TIM PERKINS, RAY LOFTON,
TOMMY LEE and UNKNOWN TAYLOR**

DEFENDANTS

ORDER

It has come to the court's attention that this matter was set for an Omnibus Hearing on Monday, February 26, 2007. An earlier order revoked the Plaintiff's leave to proceed *in forma pauperis* and ordered him to pay a filing fee before he could proceed with this action. That fee has not been paid; therefore, the Omnibus Hearing scheduled for February 26, 2007, is hereby canceled, and the writ of *habeas corpus ad testificandum* issued to procure his presence at that hearing is rescinded. A copy of this Order will be sent to the Warden of the East Mississippi Correctional Facility, where the Plaintiff is incarcerated. The court has also noted that the Defendants have filed a Motion to Dismiss on these grounds, which appears to have merit, and a Report and Recommendation to grant that Motion will be entered and forwarded to the District Judge without further delay.

IT IS, THEREFORE, ORDERED, that the Omnibus Hearing set in this matter for February 26, 2007, is hereby canceled, and the writ of *habeas corpus ad testificandum* issued for the Plaintiff's attendance at that hearing is hereby rescinded.

IT IS SO ORDERED, this the 23rd day of February, 2007.

S/Linda R. Anderson

UNITED STATES MAGISTRATE JUDGE